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015/017

Application No.: 10/664,671

Docket No.: JCLA12230-R

REMARKSPresent Status of the Application

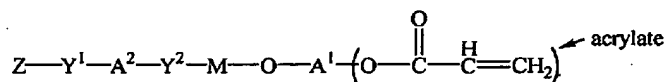
The Office Action allowed claims 13-25. Under 35 U.S.C. 102(b), claims 1-5 and 7 were rejected as being anticipated by Stanjek et al. (US 6440328, as "Stanjek") or CAPLUS 2000: 772323 ('323), claims 1 and 3-5 and the compound (a) in claim 7 rejected as being anticipated by CAPLUS 1973: 536255 ('255). Claims 9-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Stanjek or '323. Claims 6, 8 and 11-12 were objected to as depending upon rejected base claims.

In response thereto, Applicants have further amended claims 1 and 7 and submitted the following remarks. Reconsideration of claims 1-12 is respectfully requested.

Discussions of Rejections to Claims 1-5 & 7 under 35 U.S.C. 102(b)

Claims 1-5 and 7 were rejected as being anticipated by Stanjek or '323, and claims 1 and 3-5 and compound (a) in claim 7 by '255. Please note that independent claims 1 and 7 have been further amended to limit Z^4 such that *only the $-CH_2-$ directly bonded with A^4 in Z^4 as α,ω -alkylene having 3 or 4 carbon atoms* may be substituted with $-O-$, $-S-$, $-COO-$ or $-OCO-$.

When $m=n=1$ corresponding to the case of claim 1 or 7, Stanjek's formula (1) is:



Hence, the group between A^1 ($=A^4$ in claim 1/7) and carbonyl, which corresponds to Z^4 in claim

Application No.: 10/664,671

Docket No.: JCLA12230-R

1/7, is $-O-A^1-O-$ with A^1 being a carbon chain of 2-20 atoms (Stanjek's claim 1), which corresponds to α,ω -alkylene of 4-22 carbon atoms with *both* of the two terminal $-CH_2-$ *substituted* with $-O-$. However, for Z^4 as α,ω -alkylene having 4 carbon atoms in amended claim 1/7, only the terminal $-CH_2-$ directly bonded with A^4 may be substituted, while *the terminal $-CH_2-$ directly bonded with carbonyl is not substituted*.

Moreover, the group corresponding to Z^4 in claim 1 or 7 in the compound of RN 302897-21-8 in '323 is $-O-(CH_2)_4-$, which has to be derived from α,ω -alkylene having 5 carbon atoms. Since Z^4 as α,ω -alkylene is limited to have 1-4 carbon atoms in claims 1 and 7 and therefore has 4 carbon atoms *at most*, claim 1 or 7 does not overlap with '323 *even before being amended*.

On the other hand, the group in the compound of RN 41507-64-6 in '255 between the benzene ring ($=A^4$) and the carbonyl group, which corresponds to Z^4 in claim 1 or 7, is $-O-CH_2-$, which corresponds to α,ω -alkylene with 2 carbon atoms wherein one $-CH_2-$ *is substituted* with $-O-$. In amended claim 1/7, however, only α,ω -alkylene having 3 or 4 carbon atoms as Z^4 may be substituted.

Therefore, amended independent claims 1 and 7 each does not overlap with Stanjek or '255, while claims 1 and 7 each does not overlap with '323 even before being amended.

For at least the above reasons, Applicants respectfully submit that claims 1 & 7 and claims 2-5 dependent from claim 1 all patentably define over the prior art.

Application No.: 10/664,671

Docket No.: JCLA12230-R

Discussions of 103(a) Rejections/Objections to Claims 9-10/6, 8 & 11-12

As mentioned above, none of Stanjek, '255 and '323 discloses the above limitation of amended independent claim 1 or 7. Because claims 9-10 and claims 6, 8 & 11-12 are dependent from claims 1 and 7, they all inherit the same limitation. For at least the above reason, Applicants respectfully submit that claims 6 and 8-12 dependent from claims 1 and 7 also patently define over the prior art.

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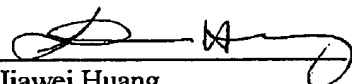
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CONCLUSION

For at least the foregoing reasons, it is believed that the pending claims 1-12 are in proper condition for allowance like claims 13-25 are. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

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